

SENATE BILL NO. 119

IN THE LEGISLATURE OF THE STATE OF ALASKA

TWENTY-THIRD LEGISLATURE - FIRST SESSION

BY THE SENATE RULES COMMITTEE BY REQUEST OF THE GOVERNOR

Introduced: 3/6/03

Referred: State Affairs, Finance

A BILL

FOR AN ACT ENTITLED

1 **"An Act eliminating the Alaska Public Offices Commission; transferring campaign,**
2 **public official, and lobbying financial disclosure record-keeping duties to the division of**
3 **elections; relating to reports, summaries, and documents regarding campaign, public**
4 **official, and lobbying financial disclosure; providing for enforcement by the Department**
5 **of Law; making conforming statutory amendments; and providing for an effective**
6 **date."**

7 **BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:**

8 * **Section 1.** AS 15.13.030 is amended to read:

9 **Sec. 15.13.030. Duties of the director [COMMISSION]. The director of**
10 **elections [COMMISSION] shall**

11 (1) develop and provide all forms for the reports and statements
12 required to be made under this chapter, AS 24.45, and AS 39.50;

13 (2) [PREPARE AND PUBLISH A MANUAL SETTING OUT

UNIFORM METHODS OF BOOKKEEPING AND REPORTING FOR USE BY PERSONS REQUIRED TO MAKE REPORTS AND STATEMENTS UNDER THIS CHAPTER AND OTHERWISE ASSIST CANDIDATES, GROUPS, AND INDIVIDUALS IN COMPLYING WITH THE REQUIREMENTS OF THIS CHAPTER;

(3)] receive and hold open for public inspection reports and statements required to be made under this chapter and, upon request, furnish copies at cost to interested persons;

(3) [(4)] compile and maintain a current list of all filed reports and statements;

(4) [(5)] PREPARE A SUMMARY OF EACH REPORT FILED UNDER AS 15.13.110 AND MAKE COPIES OF THIS SUMMARY AVAILABLE TO INTERESTED PERSONS AT THEIR ACTUAL COST;

(6) NOTIFY, BY REGISTERED OR CERTIFIED MAIL, ALL PERSONS WHO ARE DELINQUENT IN FILING REPORTS AND STATEMENTS REQUIRED TO BE MADE UNDER THIS CHAPTER;

(7) EXAMINE, INVESTIGATE, AND COMPARE ALL REPORTS, STATEMENTS, AND ACTIONS REQUIRED BY THIS CHAPTER, AS 24.45, AND AS 39.50;

(8) PREPARE AND PUBLISH A BIENNIAL REPORT CONCERNING THE ACTIVITIES OF THE COMMISSION, THE EFFECTIVENESS OF THIS CHAPTER, ITS ENFORCEMENT BY THE ATTORNEY GENERAL'S OFFICE, AND RECOMMENDATIONS AND PROPOSALS FOR CHANGE; THE COMMISSION SHALL NOTIFY THE LEGISLATURE THAT THE REPORT IS AVAILABLE;

(9)] adopt regulations necessary to implement and clarify the provisions of AS 24.45, AS 39.50, and this chapter, subject to the provisions of AS 44.62 (Administrative Procedure Act).

* **Sec. 2.** AS 15.13.040(a) is amended to read:

(a) Except as provided in (g) of this section, each candidate shall make a full report, upon a form prescribed by the director [COMMISSION], listing the date and

amount of all expenditures made by the candidate, the total amount of all contributions, including all funds contributed by the candidate, and for all contributions in excess of \$100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor and the date and amount contributed by each contributor. The report shall be filed in accordance with AS 15.13.110 and shall be certified correct by the candidate or campaign treasurer.

* **Sec. 3.** AS 15.13.040(b) is amended to read:

(b) Each group shall make a full report upon a form prescribed by the **director** [COMMISSION], listing

(1) the name and address of each officer and director;

(2) the aggregate amount of all contributions made to it; and, for all contributions in excess of \$100 in the aggregate a year, the name, address, principal occupation, and employer of the contributor, and the date and amount contributed by each contributor; for purposes of this paragraph, "contributor" means the true source of the funds, property, or services being contributed; and

(3) the date and amount of all contributions made by it and all expenditures made, incurred or authorized by it.

* **Sec. 4.** AS 15.13.040(d) is amended to read:

(d) Every individual, person, nongroup entity, or group making an expenditure shall make a full report of expenditures, upon a form prescribed by the **director** [COMMISSION], unless exempt from reporting.

* **Sec. 5.** AS 15.13.040(e) is amended to read:

(e) The report required under (d) of this section must contain the name, address, principal occupation, and employer of the individual filing the report, and an itemized list of expenditures. The report shall be filed with the **director** [COMMISSION] no later than 10 days after the expenditure is made.

* **Sec. 6.** AS 15.13.040(f) is amended to read:

(f) During each year in which an election occurs, all businesses, persons, or groups that furnish any of the following services, facilities, or supplies to a candidate or group shall maintain a record of each transaction: newspapers, radio, television, advertising, advertising agency services, accounting, billboards, printing, secretarial,

1 public opinion polls, or research and professional campaign consultation or
 2 management, media production or preparation, or computer services. Records of
 3 provision of services, facilities, or supplies shall be available for inspection by the
 4 **attorney general** [COMMISSION].

5 * **Sec. 7.** AS 15.13.040(g) is amended to read:

6 (g) The provisions of (a) of this section do not apply if a candidate

7 (1) indicates, on a form prescribed by the **director** [COMMISSION],
 8 an intent not to raise and not to expend more than \$2,500 in seeking election to office,
 9 including both the primary and general elections;

10 (2) accepts contributions totaling not more than \$2,500 in seeking
 11 election to office, including both the primary and general elections; and

12 (3) makes expenditures totaling not more than \$2,500 in seeking
 13 election to office, including both the primary and general elections.

14 * **Sec. 8.** AS 15.13.040(j) is amended to read:

15 (j) Each nongroup entity shall make a full report in accordance with
 16 AS 15.13.110 upon a form prescribed by the **director** [COMMISSION] and certified
 17 by the nongroup entity's treasurer, listing

18 (1) the name and address of each officer and director of the nongroup
 19 entity;

20 (2) the aggregate amount of all contributions made to the nongroup
 21 entity for the purpose of influencing the outcome of an election; and, for all such
 22 contributions in excess of \$100 in the aggregate a year, the name, address, principal
 23 occupation, and employer of the contributor, and the date and amount contributed by
 24 each contributor; for purposes of this paragraph, "contributor" means the true source
 25 of the funds, property, or services being contributed; and

26 (3) the date and amount of all contributions made by the nongroup
 27 entity, and, except as provided for certain independent expenditures in
 28 AS 15.13.135(a), all expenditures made, incurred, or authorized by the nongroup
 29 entity, for the purpose of influencing the outcome of an election; a nongroup entity
 30 shall report contributions made to a different nongroup entity for the purpose of
 31 influencing the outcome of an election and expenditures made on behalf of a different

nongroup entity for the purpose of influencing the outcome of an election as soon as the total contributions and expenditures to that nongroup entity for the purpose of influencing the outcome of an election reach \$500 in a year and for all subsequent contributions and expenditures to that nongroup entity in a year whenever the total contributions and expenditures to that nongroup entity for the purpose of influencing the outcome of an election that have not been reported under this paragraph reach \$500.

* **Sec. 9.** AS 15.13.040(k) is amended to read:

(k) Every individual, person, nongroup entity, or group contributing a total of \$500 or more to a group organized for the principal purpose of influencing the outcome of a proposition shall report the contribution or contributions on a form prescribed by the **director** [COMMISSION] not later than 30 days after the contribution that requires the contributor to report under this subsection is made. The report must include the name, address, principal occupation, and employer of the individual filing the report and the amount of the contribution, as well as the total amount of contributions made to that group by that individual, person, nongroup entity, or group during the calendar year.

* **Sec. 10.** AS 15.13.050 is amended to read:

Sec. 15.13.050. Registration before expenditure. (a) Before making an expenditure in support of or in opposition to a candidate or before making an expenditure in support of or in opposition to a ballot proposition or question, each person other than an individual shall register, on forms provided by the **director** [COMMISSION], with the **director** [COMMISSION].

(b) If a group intends to support only one candidate or to contribute to or expend on behalf of one candidate 33 1/3 percent or more of its funds, the name of the candidate shall be a part of the name of the group. If the group intends to oppose only one candidate or to contribute its funds in opposition to or make expenditures in opposition to a candidate, the group's name must clearly state that it opposes that candidate by using a word such as "opposes," "opposing," "in opposition to," or "against" in the group's name. [PROMPTLY UPON RECEIVING THE REGISTRATION, THE COMMISSION SHALL NOTIFY THE CANDIDATE OF

1 THE GROUP'S ORGANIZATION AND INTENT.] A candidate may register more
 2 than one group to support the candidate; however, multiple groups controlled by a
 3 single candidate shall be treated as a single group for purposes of the contribution
 4 limit in AS 15.13.070(b)(1).

5 * **Sec. 11.** AS 15.13.060(b) is amended to read:

6 (b) Each group shall file the name and address of its campaign treasurer with
 7 the director [COMMISSION] at the time it registers with the director
 8 [COMMISSION] under AS 15.13.050.

9 * **Sec. 12.** AS 15.13.060(c) is amended to read:

10 (c) Each candidate for state office shall file the name and address of the
 11 campaign treasurer with the director [COMMISSION, OR SUBMIT, IN WRITING,
 12 THE NAME AND ADDRESS OF THE CAMPAIGN TREASURER TO THE
 13 DIRECTOR FOR FILING WITH THE COMMISSION,] no later than 15 days after
 14 the date of filing the declaration of candidacy or the nominating petition. Each
 15 candidate for municipal office shall file the name and address of the campaign
 16 treasurer with the director [COMMISSION] no later than seven days after the date of
 17 filing the declaration of candidacy or the nominating petition. If the candidate does
 18 not designate a campaign treasurer, the candidate is the campaign treasurer.

19 * **Sec. 13.** AS 15.13.060(d) is amended to read:

20 (d) In the case of the death, resignation, or removal of a campaign treasurer,
 21 the candidate shall appoint a successor as soon as practicable and file the successor's
 22 name and address with the director [COMMISSION] within 48 hours of the
 23 appointment. The candidate is disqualified if found to have been in wilful violation of
 24 this subsection.

25 * **Sec. 14.** AS 15.13.060(e) is amended to read:

26 (e) A campaign treasurer may appoint as many deputy campaign treasurers as
 27 necessary. The candidate shall file the names and addresses of the deputy campaign
 28 treasurers with the director [COMMISSION].

29 * **Sec. 15.** AS 15.13.072(a) is amended to read:

30 (a) A candidate or an individual who has filed with the director
 31 [COMMISSION] the document necessary to permit that individual to incur election-

related expenses under AS 15.13.100 may not solicit or accept a contribution from

(1) a person not authorized by law to make a contribution;

(2) an individual who is not a resident of the state at the time the contribution is made, except as provided in (e) of this section;

(3) a group organized under the laws of another state, resident in another state, or whose participants are not residents of this state at the time the contribution is made; or

(4) a person registered as a lobbyist if the contribution violates AS 15.13.074(g) or AS 24.45.121(a)(8).

* **Sec. 16.** AS 15.13.072(b) is amended to read:

(b) A candidate or an individual who has filed with the **director** [COMMISSION] the document necessary to permit the individual to incur election-related expenses under AS 15.13.100, or a group, may not solicit or accept a cash contribution that exceeds \$100.

* **Sec. 17.** AS 15.13.072(d) is amended to read:

(d) A candidate or an individual who has filed with the **director** [COMMISSION] the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 for election or reelection to the state legislature may not solicit or accept a contribution while the legislature is convened in a regular or special legislative session unless the solicitation or acceptance occurs

(1) during the 90 days immediately preceding an election in which the candidate or individual is a candidate; and

(2) in a place other than the capital city.

* **Sec. 18.** AS 15.13.072(e) is amended to read:

(e) A candidate or an individual who has filed with the **director** [COMMISSION] the document necessary to permit that individual to incur election-related expenses under AS 15.13.100 may solicit or accept contributions from an individual who is not a resident of the state at the time the contribution is made if the amounts contributed by individuals who are not residents do not exceed

(1) \$20,000, if the candidate or individual is seeking the office of governor or lieutenant governor;

1 (2) \$5,000, if the candidate or individual is seeking the office of state
2 senator;

3 (3) \$3,000, if the candidate or individual is seeking the office of state
4 representative or municipal or other office.

5 * **Sec. 19.** AS 15.13.072(g) is amended to read:

6 (g) A candidate or an individual who has filed with the **director**
7 [COMMISSION] the document necessary to permit that individual to incur election-
8 related expenses under AS 15.13.100 for election or reelection to the office of
9 governor or lieutenant governor may not solicit or accept a contribution in the capital
10 city while the legislature is convened in a regular or special legislative session.

11 * **Sec. 20.** AS 15.13.074(c) is amended to read:

12 (c) A person or group may not make a contribution

13 (1) to a candidate or an individual who files with the **director**
14 [COMMISSION] the document necessary to permit that individual to incur certain
15 election-related expenses as authorized by AS 15.13.100 when the office is to be filled
16 at a general election before the date that is 18 months before the general election;

17 (2) to a candidate or an individual who files with the **director**
18 [COMMISSION] the document necessary to permit that individual to incur certain
19 election-related expenses as authorized by AS 15.13.100 for an office that is to be
20 filled at a special election or municipal election before the date that is 18 months
21 before the date of the regular municipal election or that is before the date of the
22 proclamation of the special election at which the candidate or individual seeks election
23 to public office; or

24 (3) to any candidate later than the 45th day

25 (A) after the date of a primary election if the candidate

26 (i) has been nominated at the primary election or is
27 running as a write-in candidate; and

28 (ii) is not opposed at the general election;

29 (B) after the date of the primary election if the candidate was
30 not nominated at the primary election; or

31 (C) after the date of the general election, or after the date of a

1 municipal or municipal runoff election, if the candidate was opposed at the
2 general, municipal, or municipal runoff election.

3 * **Sec. 21.** AS 15.13.074(g) is amended to read:

4 (g) An individual required to register as a lobbyist under AS 24.45 may not
5 make a contribution to a candidate for the legislature at any time the individual is
6 subject to the registration requirement under AS 24.45 and for one year after the date
7 of the individual's initial registration or its renewal. However, the individual may
8 make a contribution under this section to a candidate for the legislature in a district in
9 which the individual is eligible to vote or will be eligible to vote on the date of the
10 election. An individual who is subject to the restrictions of this subsection shall report
11 to the **director** [COMMISSION], on a form provided by the **director**
12 [COMMISSION], each contribution made while required to register as a lobbyist
13 under AS 24.45. This subsection does not apply to a representational lobbyist as
14 defined in **regulation** [REGULATIONS OF THE COMMISSION].

15 * **Sec. 22.** AS 15.13.078(b) is amended to read:

16 (b) The provisions of this chapter do not prohibit the individual who is a
17 candidate from lending any amount to the campaign of the candidate. Loans made by
18 the candidate shall be reported as contributions in accordance with AS 15.13.040 and
19 15.13.110. However, the candidate may not

20 (1) recover, under this section and AS 15.13.116(a)(4), the amount of a
21 loan made by the candidate to the candidate's own campaign that exceeds

22 (A) \$25,000, if the candidate ran for governor or lieutenant
23 governor;

24 (B) \$10,000, if the candidate ran for

25 (i) the legislature; or

26 (ii) delegate to a constitutional convention;

27 (C) \$10,000, if the candidate was a judge seeking retention;

28 (D) \$5,000, if the candidate ran in a municipal election; or

29 (2) repay a loan that the candidate has made to the candidate's own
30 campaign unless, within five days of making the loan, the candidate notifies the
31 **director** [COMMISSION], on a form provided by the **director** [COMMISSION], of

1 the candidate's intention to repay the loan under AS 15.13.116(a)(4).

2 * **Sec. 23.** AS 15.13.082(c) is amended to read:

3 (c) If a candidate receives a contribution in the form of cash, check, money
4 order, or other negotiable instrument and is subject to being reported to the **director**
5 [COMMISSION] under this chapter, the candidate may neither expend the
6 contribution nor, in the case of a negotiable instrument, convert it to cash unless the
7 candidate, campaign treasurer, or deputy campaign treasurer first records the
8 following information for disclosure to the **director** [COMMISSION]:

9 (1) the name, address, principal occupation, and employer of the
10 contributor; and

11 (2) the date and amount of the contribution.

12 * **Sec. 24.** AS 15.13.110(b) is amended to read:

13 (b) Each contribution that exceeds \$250 and that is made within nine days of
14 the election shall be reported to the **director** [COMMISSION] by date, amount, and
15 contributor within 24 hours of receipt by the candidate, group, campaign treasurer, or
16 deputy campaign treasurer. Each contribution to a nongroup entity for the purpose of
17 influencing the outcome of an election that exceeds \$250 and that is made within nine
18 days of the election shall be reported to the **director** [COMMISSION] by date,
19 amount, and contributor within 24 hours of receipt by the nongroup entity.

20 * **Sec. 25.** AS 15.13.110(c) is amended to read:

21 (c) All reports required by this chapter shall be filed with the **director**
22 [COMMISSION'S CENTRAL OFFICE] and shall be kept open to public inspection.
23 [WITHIN 30 DAYS AFTER EACH ELECTION, THE COMMISSION SHALL
24 PREPARE A SUMMARY OF EACH REPORT WHICH SHALL BE MADE
25 AVAILABLE TO THE PUBLIC AT COST UPON REQUEST. EACH SUMMARY
26 SHALL USE UNIFORM CATEGORIES OF REPORTING.]

27 * **Sec. 26.** AS 15.13.110(f) is amended to read:

28 (f) During the year in which the election is scheduled, each of the following
29 shall file the campaign disclosure reports in the manner and at the times required by
30 this section:

31 (1) a person who, under the regulations adopted by the **director**

1 [COMMISSION] to implement AS 15.13.100, indicates an intention to become a
2 candidate for elective state executive or legislative office;

3 (2) a person who has filed a nominating petition under AS 15.25.140 -
4 15.25.200 to become a candidate at the primary election for elective state executive or
5 legislative office;

6 (3) a person who campaigns as a write-in candidate for elective state
7 executive or legislative office at the general election; and

8 (4) a group or nongroup entity that receives contributions or makes
9 expenditures on behalf of or in opposition to a person described in (1) - (3) of this
10 subsection, except as provided for certain independent expenditures by nongroup
11 entities in AS 15.13.135(a).

12 * **Sec. 27.** AS 15.13.112(b) is amended to read:

13 (b) Campaign contributions held by a candidate or group may not be

14 (1) used to give a personal benefit to the candidate or to another
15 person;

16 (2) converted to personal income of the candidate;

17 (3) loaned to a person;

18 (4) knowingly used to pay more than the fair market value for goods or
19 services purchased for the campaign;

20 (5) used to pay a criminal fine;

21 (6) used to pay civil penalties; however, campaign contributions held
22 by a candidate or group may be used to pay a civil penalty assessed under this chapter
23 if authorized by the director [COMMISSION] or a court after the director or the
24 court [IT] first determines that

25 (A) the candidate, campaign treasurer, and deputy campaign
26 treasurer did not cause or participate in the violation for which the civil penalty
27 is imposed and exercised a reasonable level of oversight over the campaign;
28 and

29 (B) the candidate, campaign treasurer, and deputy campaign
30 treasurer cooperated in the revelation of the violation and in its immediate
31 correction; or

(7) used to make contributions to another candidate or to a group.

* **Sec. 28.** AS 15.13.145(d) is amended to read:

(d) When expenditure of money is authorized by (b) or (c) of this section and is used to influence the outcome of an election, the expenditures shall be reported to the **director** [COMMISSION] in the same manner as an individual is required to report under AS 15.13.040.

* **Sec. 29.** AS 15.13.380 is repealed and reenacted to read:

Sec. 15.13.380. Violations; limitations on actions. (a) A person may bring a civil action to enforce a provision of this chapter. The person shall provide copies of the complaint filed in the court to the director and the attorney general. A complaint may not be filed if more than two years have elapsed from the date of the alleged violation.

(b) When, after being sworn into office, a successful candidate or the campaign treasurer or deputy campaign treasurer of a person who was a successful candidate is charged with a violation of this chapter, the case shall be promptly tried and accorded a preferred position for purposes of argument and decision, so as to assure a speedy disposition of the matter.

(c) If, after being sworn into office, a person who was a successful candidate or the campaign treasurer or deputy campaign treasurer of a person who was a successful candidate is convicted of a violation of this chapter, proceedings shall be held and appropriate action taken in accordance with

(1) art. II, sec. 12 of the state constitution, if the candidate is a candidate for the state legislature;

(2) art. II, sec. 20 of the state constitution, if the candidate is a candidate for governor or lieutenant governor;

(3) AS 29.20.170, if the candidate is a candidate for the borough assembly;

(4) AS 29.20.280, if the candidate is a candidate for borough mayor;

(5) AS 29.20.170, if the candidate is a candidate for city council;

(6) AS 29.20.280, if the candidate is a candidate for city mayor;

(7) the provisions of the call for the constitutional convention, if the

1 candidate is a candidate for constitutional convention delegate;

2 (8) art. IV, sec. 10 of the state constitution, if the candidate is a
3 candidate for judicial retention.

4 * **Sec. 30.** AS 15.13 amended by adding a new section to read:

5 **Sec. 15.13.386. Enforcement by attorney general.** (a) The attorney general
6 may bring a civil action to enforce a provision of this chapter.

7 (b) If the attorney general has cause to believe that a person has violated a
8 section of this chapter, the attorney general may

9 (1) examine under oath any person in connection with the violation;

10 (2) issue subpoenas to require the attendance of witnesses or the
11 production of documents or other physical evidence, administer oaths, and conduct
12 hearings to aid an investigative inquiry; service of an order or subpoena shall be made
13 in the same manner as the summons in a civil action in the superior court; and

14 (3) petition a court of the state to enforce subpoenas and process or to
15 compel testimony.

16 (c) The attorney general may adopt regulations and forms necessary for
17 investigation and enforcement of violations of this chapter.

18 (d) The attorney general is legal counsel for the director.

19 * **Sec. 31.** AS 15.13.390(a) is amended to read:

20 (a) A person who fails to register when required by AS 15.13.050(a) or who
21 fails to file a properly completed and certified report within the time required by
22 AS 15.13.040, 15.13.060(b) - (d), 15.13.110(a)(1), (3), or (4), (e), or (f) is **liable in a**
23 **civil action to the state for** [SUBJECT TO] a civil penalty of not more than \$50 a day
24 for each day the delinquency continues as **the court determines** [DETERMINED BY
25 THE COMMISSION SUBJECT TO RIGHT OF APPEAL TO THE SUPERIOR
26 COURT]. A person who fails to file a properly completed and certified report within
27 the time required by AS 15.13.110(a)(2) or 15.13.110(b) is subject to a civil penalty of
28 not more than \$500 a day for each day the delinquency continues as **the court**
29 **determines** [DETERMINED BY THE COMMISSION SUBJECT TO RIGHT OF
30 APPEAL TO THE SUPERIOR COURT]. A person who violates a provision of this
31 chapter, except a provision requiring registration or filing of a report within a time

required as otherwise specified in this section, is subject to a civil penalty of not more than \$50 a day for each day the violation continues as the court determines. In making its determination, the court may consider [DETERMINED BY THE COMMISSION, SUBJECT TO RIGHT OF APPEAL TO THE SUPERIOR COURT. AN AFFIDAVIT STATING] facts in mitigation [MAY BE SUBMITTED TO THE COMMISSION BY A PERSON AGAINST WHOM A CIVIL PENALTY IS ASSESSED]. However, the imposition of the penalties prescribed in this section or in AS 15.13.380 does not excuse that person from registering or filing reports required by this chapter.

* **Sec. 32.** AS 15.13.390(e) is amended to read:

(e) If the [COMMISSION OR] superior court finds that the violation was not a repeat violation or was not part of a series or pattern of violations, was inadvertent, was quickly corrected, and had no adverse effect on the campaign of another, the [COMMISSION OR THE] court may

(1) suspend imposition of the penalties; and

(2) order the penalties set aside if the person does not engage in a similar violation for a period of one year.

* **Sec. 33.** AS 15.13.400(8) is amended to read:

(8) "group" means

(A) every state and regional executive committee of a political party; and

(B) any combination of two or more individuals acting jointly who organize for the principal purpose of influencing the outcome of one or more elections and who take action the major purpose of which is to influence the outcome of an election; a group that makes expenditures or receives contributions with the authorization or consent, express or implied, or under the control, direct or indirect, of a candidate shall be considered to be controlled by that candidate; a group whose major purpose is to further the nomination, election, or candidacy of only one individual, or intends to expend more than 50 percent of its money on a single candidate, shall be considered to be controlled by that candidate and its actions done with the candidate's

knowledge and consent unless, within 10 days from the date the candidate learns of the existence of the group the candidate files with the **director** [COMMISSION], on a form provided by the **director** [COMMISSION], an affidavit that the group is operating without the candidate's control; a group organized for more than one year preceding an election and endorsing candidates for more than one office or more than one political party is presumed not to be controlled by a candidate; however, a group that contributes more than 50 percent of its money to or on behalf of one candidate shall be considered to support only one candidate for purposes of AS 15.13.070, whether or not control of the group has been disclaimed by the candidate;

* **Sec. 34.** AS 15.25.030(c) is amended to read:

(c) An incumbent public official, other than a legislator, who has a current statement of income sources and business interests under AS 39.50 on file with the **director** [ALASKA PUBLIC OFFICES COMMISSION], or an incumbent legislator who has a current disclosure statement under AS 24.60.200 on file with the **director** [ALASKA PUBLIC OFFICES COMMISSION], is not required to file a statement of income sources and business interests or a disclosure statement with the declaration of candidacy under (b) of this section.

* **Sec. 35.** AS 15.25.180(c) is amended to read:

(c) An incumbent public official, other than a legislator, who has a current statement of income sources and business interests under AS 39.50 on file with the **director** [ALASKA PUBLIC OFFICES COMMISSION], or an incumbent legislator who has a current disclosure statement under AS 24.60.200 on file with the **director** [ALASKA PUBLIC OFFICES COMMISSION], is not required to file a statement of income sources and business interests or a disclosure statement with the nominating petition under (b) of this section.

* **Sec. 36.** AS 24.45.021 is amended to read:

Sec. 24.45.021. Administration. (a) This chapter shall be administered by the **director of elections** [ALASKA PUBLIC OFFICES COMMISSION CREATED UNDER AS 15.13.020(a)].

(b) The **director of elections** [COMMISSION] shall adopt regulations under AS 44.62 (Administrative Procedure Act) to implement the provisions of this chapter.

* **Sec. 37.** AS 24.45.031 is repealed and reenacted to read:

Sec. 24.45.031. Powers and duties. The director of elections shall

(1) prescribe the forms for registration, reports, statements, notices, and other documents required by this chapter;

(2) report suspected violations of this chapter to the attorney general.

* **Sec. 38.** AS 24.45.041(a) is amended to read:

(a) Before engaging in lobbying, a lobbyist shall file a registration statement on a form prescribed by the **director of elections** [COMMISSION].

* **Sec. 39.** AS 24.45.041(b) is amended to read:

(b) The registration form prescribed by the **director of elections** [COMMISSION] must include

(1) the lobbyist's full name and complete permanent residence and business address and telephone number, as well as any temporary residential and business address and telephone number in the state capital during a legislative session;

(2) the full name and complete address of each person by whom the lobbyist is retained or employed;

(3) whether the person from whom the lobbyist receives compensation employs the person solely as a lobbyist or whether the person is a regular employee performing other services for the employer that include but are not limited to the influencing of legislative or administrative action;

(4) the nature or form of the lobbyist's compensation for engaging in lobbying, including salary, fees, or reimbursement for expenses received in consideration for, or directly in support of or in connection with, the influencing of legislative or administrative action;

(5) a general description of the subjects or matters on which the registrant expects to lobby or to engage in the influencing of legislative or administrative action;

(6) the full name and complete address of the person, if other than the registrant, who has custody of the accounts, books, papers, bills, receipts, and other

documents required to be maintained under this chapter;

(7) the identification of a legislator, legislative employee, or public official to whom the lobbyist is married or who is the spousal equivalent of the lobbyist; in this paragraph, "spousal equivalent" has the meaning given in AS 39.50.200(a).

* **Sec. 40.** AS 24.45.041(d) is amended to read:

(d) If a change occurs in any of the information contained in a registration statement filed under (a) of this section, or in any accompanying document, an appropriate amendment shall be filed with the **director of elections** [COMMISSION] within 10 days after the change.

* **Sec. 41.** AS 24.45.041(f) is amended to read:

(f) Each lobbyist shall renew the registration annually by filing a new registration statement together with a new authorization to act as a lobbyist before engaging in lobbying. The lobbyist also shall file any reports or statements the lobbyist has failed to file for a previous reporting period. [THE COMMISSION MAY NOT RENEW LOBBYING CREDENTIALS UNTIL THIS PROVISION IS COMPLIED WITH.]

* **Sec. 42.** AS 24.45.041(g) is amended to read:

(g) An application for registration as a lobbyist under (a) of this section or for renewal of a registration under (f) of this section is subject to a fee of \$100. The **director of elections** [COMMISSION] may not accept an application for registration or renew a registration until the fee is paid. This subsection does not apply to a volunteer lobbyist under AS 24.45.161 or a representational lobbyist **as defined in regulation** [UNDER REGULATIONS OF THE COMMISSION].

* **Sec. 43.** AS 24.45.051 is amended to read:

Sec. 24.45.051. Reports. Each lobbyist registered under AS 24.45.041 shall file with the **director of elections** [COMMISSION] a report concerning the lobbyist's activities during each reporting period prescribed in AS 24.45.081, so long as the lobbyist continues to engage in lobbying activities. The report shall be made on a form prescribed by the **director of elections** [COMMISSION] and filed in accordance with AS 24.45.071 and 24.45.081. The report also must include any changes in the

1 information required to be supplied under AS 24.45.041(b) and the following
2 information for the reporting period, as applicable:

3 (1) the source of income, as defined in AS 39.50.200(a) and the
4 monetary value of all payments, including [BUT NOT LIMITED TO] salary, fees, and
5 reimbursement of expenses, received in consideration for or directly or indirectly in
6 support of or in connection with influencing legislative or administrative action, and
7 the full name and complete address of each person from whom amounts or things of
8 value have been received and the total monetary value received from each person;

9 (2) the aggregate amount of disbursements or expenditures made or
10 incurred during the period in support of or in connection with influencing legislative
11 or administrative action by the lobbyist, or on behalf of the lobbyist by the lobbyist's
12 employer in the following categories:

13 (A) food and beverages;

14 (B) living accommodations;

15 (C) travel;

16 (3) the date and nature of any gift exceeding \$100 in value made to a
17 public official and the full name and official position of that person;

18 (4) the name and official position of each public official, and the name
19 of each member of the immediate family of any of these officials, with whom the
20 lobbyist has engaged in an exchange of money, goods, services, or anything of more
21 than \$100 in value and the nature and date of each of these exchanges and the
22 monetary values exchanged;

23 (5) the name and address of any business entity in which the lobbyist
24 knows or has reason to know that a public official is a proprietor, partner, director,
25 officer or manager, or has a controlling interest, and whom the lobbyist has engaged in
26 an exchange of money, goods, services, or anything of value and the nature and date
27 of each exchange and the monetary value exchanged if the total value of these
28 exchanges is \$100 or more in a calendar year; and

29 (6) a notice of termination if the lobbyist has ceased the lobbying
30 activity that required registration under this chapter and if this report constitutes the
31 final report of the lobbyist's activities.

1 * **Sec. 44.** AS 24.45.061(a) is amended to read:

2 (a) Within 15 days after employing, retaining, or contracting for the
3 employment or retention of a lobbyist, the person who employs, retains, or who
4 contracts for the services of a lobbyist shall file a statement with the **director of**
5 **elections** [COMMISSION] authorizing or verifying that employment, retention, or
6 contract for lobbying services.

7 * **Sec. 45.** AS 24.45.091 is amended to read:

8 **Sec. 24.45.091. Publication of reports.** Copies of the statements and reports
9 filed under this chapter shall be made available to the public at the [COMMISSION'S
10 CENTRAL OFFICE, THE] office of the lieutenant governor **and** [,] the legislative
11 reference library of the Legislative Affairs Agency [, AND AT THE COMMISSION'S
12 DISTRICT OFFICES PRESCRIBED IN AS 15.13.020(j)] as soon as practicable after
13 each reporting period.

14 * **Sec. 46.** AS 24.45.101 is amended to read:

15 **Sec. 24.45.101. Public records.** Statements and reports filed under this
16 chapter are public records and shall be available for public inspection and copying
17 during normal business hours at the expense of the person requesting copies; however,
18 the charge for copying may not exceed actual cost [TO THE COMMISSION].

19 * **Sec. 47.** AS 24.45.111 is amended to read:

20 **Sec. 24.45.111. Preservation of records.** (a) A person required to register or
21 report as a lobbyist shall preserve all accounts, bills, receipts, books, papers, and
22 documents necessary to substantiate the reports required to be made and filed under
23 this chapter for a period of at least one year from the date of the filing of the report
24 containing these items. These accounts, bills, receipts, books, papers, and other
25 documents shall be made available for inspection by the **attorney general**
26 [COMMISSION, OR MEMBERS OF ITS STAFF, AT ANY TIME]. If a lobbyist is
27 required under the terms of the lobbyist's employment contract to turn any records
28 over to the employer, responsibility for the preservation of these records under this
29 section rests with the employer.

30 (b) The **director of elections** [COMMISSION] shall preserve the statements
31 and reports required to be filed under this chapter for a period of six years from the

1 date of filing. [IF THE COMMISSION'S CENTRAL OFFICE IS NOT IN THE
 2 STATE CAPITAL, COPIES OF ALL STATEMENTS AND REPORTS FILED
 3 UNDER THIS CHAPTER SHALL BE MAINTAINED IN AN OFFICE
 4 ESTABLISHED BY THE COMMISSION IN THE STATE CAPITAL OR IN THE
 5 OFFICE OF THE LIEUTENANT GOVERNOR.]

6 * **Sec. 48.** AS 24.45.116 is amended to read:

7 **Sec. 24.45.116. Disclosure of contributions.** A civic league or organization
 8 shall report the total amount of contributions received for the reporting period and for
 9 any contribution over \$100, the name of the contributor and the amount contributed.
 10 The civic league or organization may establish a separate fund to account for receipts
 11 and expenditures arising out of activities to influence legislative action. Reports shall
 12 be made on a form provided by the director of elections [COMMISSION] on
 13 February 10, April 25, and July 10 of each year, listing contributions received during
 14 the period that ended 10 days earlier.

15 * **Sec. 49.** AS 24.45.121(a)(8) is amended to read:

16 (a) A lobbyist may not

17 (1) engage in any activity as a lobbyist before registering under AS
 18 24.45.041;

19 (2) do anything with the intent of placing a public official under
 20 personal obligation to the lobbyist or to the lobbyist's employer;

21 (3) intentionally deceive or attempt to deceive any public official with
 22 regard to any material fact pertinent to pending or proposed legislative or
 23 administrative action;

24 (4) cause or influence the introduction of a legislative measure solely
 25 for the purpose of thereafter being employed to secure its passage or its defeat;

26 (5) cause a communication to be sent to a public official in the name of
 27 any fictitious person or in the name of any real person, except with the consent of that
 28 person;

29 (6) accept or agree to accept any payment in any way contingent upon
 30 the defeat, enactment, or outcome of any proposed legislative or administrative action;

31 (7) serve as a member of a state board, or commission, if the lobbyist's

1 employer may receive direct economic benefit from a decision of that board or
2 commission;

3 (8) serve as a campaign manager or director, serve as a campaign
4 treasurer or deputy campaign treasurer on a finance or fund-raising committee, host a
5 fund-raising event, directly or indirectly collect contributions for, or deliver
6 contributions to, a candidate, or otherwise engage in the fund-raising activity of a
7 legislative campaign or campaign for governor or lieutenant governor if the lobbyist
8 has registered, or is required to register as a lobbyist, under this chapter, during the
9 calendar year; this paragraph does not apply to a representational lobbyist as defined
10 in regulation [THE REGULATIONS OF THE ALASKA PUBLIC OFFICES
11 COMMISSION], and does not prohibit a lobbyist from making personal contributions
12 to a candidate as authorized by AS 15.13 or personally advocating on behalf of a
13 candidate;

14 (9) offer, solicit, initiate, facilitate, or provide to or on behalf of a
15 person covered by AS 24.60, during a legislative session, a gift, other than food or
16 beverage for immediate consumption;

17 (10) make or offer a gift or a campaign contribution whose acceptance
18 by the person to whom it is offered would violate AS 24.60.

19 * **Sec. 50.** AS 24.45 is amended by adding new sections to read:

20 **Sec. 24.45.133. Enforcement by private citizens.** A person may bring a civil
21 action to enforce a provision of this chapter.

22 **Sec. 24.45.135. Enforcement by the attorney general.** The attorney general
23 may bring a civil action to enforce a provision of this chapter in the manner provided
24 in AS 15.13.386.

25 * **Sec. 51.** AS 24.45.141 is amended to read:

26 **Sec. 24.45.141. Civil penalty: Late registration, filing of required**
27 **statements or reports.** A person who fails to register or to file a properly completed
28 and certified report or statement, as applicable, within the time required by this chapter
29 is liable in a civil action to the state for [SUBJECT TO] a civil penalty of not more
30 than \$10 a day for each day the delinquency continues as determined by the court. In
31 making its determination, the court may consider [COMMISSION SUBJECT TO

1 RIGHT OF APPEAL TO THE SUPERIOR COURT. AN AFFIDAVIT STATING]
 2 facts in mitigation [MAY BE SUBMITTED TO THE COMMISSION BY A
 3 PERSON AGAINST WHOM A CIVIL PENALTY IS ASSESSED]. However, the
 4 imposition of the penalties prescribed in this section or in AS 24.45.151 does not
 5 excuse the lobbyist or employer of a lobbyist from filing statements or reports required
 6 by this chapter.

7 * **Sec. 52.** AS 24.60.080(d) is amended to read:

8 (d) A legislator or legislative employee who accepts a gift under (c)(4) of this
 9 section that has a value of \$250 or more shall disclose to the committee, within 30
 10 days after receipt of the gift, the name and occupation of the donor and the
 11 approximate value of the gift. A legislator or legislative employee who accepts a gift
 12 under (c)(8) of this section that the recipient expects will have a value of \$250 or more
 13 in the calendar year shall disclose to the committee, within 30 days after receipt of the
 14 gift, the name and occupation of the donor, a general description of the matter of
 15 legislative concern with respect to which the gift is made, and the approximate value
 16 of the gift. The committee shall maintain a public record of the disclosures it receives
 17 relating to gifts under (c)(4) and (8) of this section and shall forward the disclosures to
 18 the appropriate house for inclusion in the journal. The committee shall forward to the
 19 **director of elections** [ALASKA PUBLIC OFFICES COMMISSION] copies of the
 20 disclosures concerning gifts under (c)(4) and (8) of this section that it receives from
 21 legislators and legislative directors. A legislator or legislative employee who accepts a
 22 gift under (c)(6) of this section that has a value of \$250 or more shall disclose to the
 23 committee annually on or before March 15 the name and occupation of the donor and
 24 a description of the gift. The committee shall maintain disclosures relating to gifts
 25 under (c)(6) of this section as confidential records and may only use, or permit a
 26 committee employee or contractor to use, a disclosure under (c)(6) of this section in
 27 the investigation of a possible violation of this section or in a proceeding under
 28 AS 24.60.170. If the disclosure under (c)(6) of this section becomes part of the record
 29 of a proceeding under AS 24.60.170, the confidentiality provisions of that section
 30 apply to the disclosure.

31 * **Sec. 53.** AS 24.60.170(l) is amended to read:

(l) Proceedings of the committee relating to complaints before it are confidential until the committee determines that there is probable cause to believe that a violation of this chapter has occurred. The complaint and all documents produced or disclosed as a result of the committee investigation are confidential and not subject to inspection by the public. If in the course of an investigation or probable cause determination the committee finds evidence of probable criminal activity, the committee shall transmit a statement and factual findings limited to that activity to the appropriate law enforcement agency. If the committee finds evidence of a probable violation of AS 15.13, the committee shall transmit a statement to that effect and factual findings limited to the probable violation to the attorney general [ALASKA PUBLIC OFFICES COMMISSION]. All meetings of the committee before the determination of probable cause are closed to the public and to legislators who are not members of the committee. However, the committee may permit the subject of the complaint to attend a meeting other than the deliberations on probable cause. The confidentiality provisions of this subsection may be waived by the subject of the complaint.

* **Sec. 54.** AS 24.60.200 is amended to read:

Sec. 24.60.200. Financial disclosure by legislators, public members of the committee, and legislative directors. A legislator, a public member of the committee, and a legislative director shall file a disclosure statement, under oath and on penalty of perjury, with the director of elections [ALASKA PUBLIC OFFICES COMMISSION] giving the following information about the income received by the discloser, the discloser's spouse or spousal equivalent, the discloser's dependent children, and the discloser's nondependent children who are living with the discloser:

(1) the information that a public official is required to report under AS 39.50.030, other than information about gifts;

(2) as to income in excess of \$1,000 received as compensation for personal services, the name and address of the source of the income, and a statement describing the nature of the services performed; if the source of income is known or reasonably should be known to have a substantial interest in legislative, administrative, or political action and the recipient of the income is a legislator or a

1 legislative director, the amount of income received from the source shall be disclosed;

2 (3) as to each loan or loan guarantee over \$1,000 from a source with a
3 substantial interest in legislative, administrative, or political action, the name and
4 address of the person making the loan or guarantee, the amount of the loan, the terms
5 and conditions under which the loan or guarantee was given, the amount outstanding
6 at the time of filing, and whether or not a written loan agreement exists.

7 * **Sec. 55.** AS 24.60.210 is amended to read:

8 **Sec. 24.60.210. Deadlines for filing of disclosure statements.** (a) A person
9 required to file a disclosure statement under AS 24.60.200 shall file an annual report
10 with the **director of elections** [ALASKA PUBLIC OFFICES COMMISSION],
11 covering the previous calendar year, containing the disclosures required by
12 AS 24.60.200, on or before March 15 of each year.

13 (b) Notwithstanding (a) of this section, a public member and a public member
14 nominee of the committee shall file an annual report with the **director of elections**
15 [ALASKA PUBLIC OFFICES COMMISSION], covering the previous calendar year,
16 containing the disclosures required by AS 24.60.200, on or before the second Monday
17 in January of each year.

18 * **Sec. 56.** AS 24.60.220 is amended to read:

19 **Sec. 24.60.220. Administration of AS 24.60.200 - 24.60.260.** The **director**
20 **of elections** [ALASKA PUBLIC OFFICES COMMISSION] shall

21 (1) adopt regulations to implement and interpret the provisions of
22 AS 24.60.200 - 24.60.260;

23 (2) prepare standardized forms on which the statements required by
24 AS 24.60.200 shall be filed; and

25 (3) [EXAMINE, INVESTIGATE, AND COMPARE ALL REPORTS
26 AND STATEMENTS REQUIRED UNDER AS 24.60.200, AND] report all possible
27 violations of this chapter **that the director** [IT] discovers to the committee.

28 * **Sec. 57.** AS 24.60.230 is amended to read:

29 **Sec. 24.60.230. Statements as public records.** A statement filed with the
30 **director of elections** [ALASKA PUBLIC OFFICES COMMISSION] under
31 AS 24.60.200 is a public record. A person is not required to comply with

AS 24.60.200 to the extent that a court of competent jurisdiction of the state determines that legally privileged professional relationships or constitutional privacy considerations would be violated by compliance.

* **Sec. 58.** AS 24.60.240 is amended to read:

Sec. 24.60.240. Civil penalty for late filing. A person required to file a disclosure statement under AS 24.60.200 who fails to file a properly completed report under AS 24.60.200 is liable in a civil action to the state for [SUBJECT TO] a civil penalty of not more than \$10 a day for each day the delinquency continues as the court [ALASKA PUBLIC OFFICES COMMISSION] determines. In making its determination, the court may consider [, SUBJECT TO APPEAL TO THE SUPERIOR COURT. AN AFFIDAVIT STATING] facts in mitigation [MAY BE SUBMITTED TO THE ALASKA PUBLIC OFFICES COMMISSION BY THE PERSON AGAINST WHOM THE CIVIL PENALTY IS ASSESSED]. However, the imposition of the penalties prescribed in this section does not excuse the person from filing reports required by AS 24.60.200.

* **Sec. 59.** AS 24.60.250 is amended to read:

Sec. 24.60.250. Effect of failure to file. (a) In addition to the sanctions described in AS 24.60.260, if [THE ALASKA PUBLIC OFFICES COMMISSION FINDS THAT A CANDIDATE FOR THE LEGISLATURE WHO IS AN INCUMBENT LEGISLATOR HAS FAILED TO FILE A REPORT UNDER AS 24.60.200 BY MARCH 15, THE COMMISSION SHALL NOTIFY THE CANDIDATE THAT THE REPORT IS LATE. IF] the candidate fails to file a [THE] report under AS 24.60.200 within 30 days after it is due,

(1) the director of elections [COMMISSION] shall notify the lieutenant governor;

(2) the candidate shall forfeit nomination to office and may not be seated in office;

(3) the lieutenant governor may not certify the person's nomination for office or election to office; and

(4) nomination to the office shall be certified as provided in AS 39.50.060(b).

(b) In addition to the sanctions described in AS 24.60.260, if the **director of elections** [ALASKA PUBLIC OFFICES COMMISSION] finds that a member of the committee has failed or refused to file a report under AS 24.60.200 by a deadline established in AS 24.60.210, **the director of elections** [IT] shall notify the presiding officer of the appropriate legislative body. In the case of a public member of the committee, the **director of elections** [COMMISSION] shall notify both presiding officers.

(c) In addition to the sanctions described in AS 24.60.260, if the **director of elections** [ALASKA PUBLIC OFFICES COMMISSION] finds that a legislative director has failed or refused to file a report under AS 24.60.200 by a deadline established in AS 24.60.210, **the director of elections** [IT] shall notify the Alaska Legislative Council or the Legislative Budget and Audit Committee, as appropriate. For the ombudsman, the Alaska Legislative Council shall be notified.

* **Sec. 60.** AS 24.60.260 is amended to read:

Sec. 24.60.260. Prohibited conduct relating to disclosures. (a) A person required to make a disclosure under this chapter may not knowingly make a false or deliberately misleading or incomplete disclosure to the committee or to the **director of elections** [ALASKA PUBLIC OFFICES COMMISSION]. A person who files a disclosure after a deadline set by this chapter or by a regulation adopted by the committee or by the **director of elections** [ALASKA PUBLIC OFFICES COMMISSION] has violated this chapter and may be subject to imposition of a fine as provided in (c) of this section or AS 24.60.240.

(b) A person who violates this section is subject to a proceeding under AS 24.60.170, in addition to penalties that may be imposed [BY THE ALASKA PUBLIC OFFICES COMMISSION] under AS 24.60.240 and [TO THE PENALTY SET OUT IN] AS 24.60.250.

(c) The committee may impose a fine on a person who files a disclosure after a deadline set by this chapter. The amount of the fine imposed under this subsection may not exceed \$2 for each day to a maximum of \$100 for each disclosure for a late disclosure. However, if the committee finds that a late filing was inadvertent, the maximum fine the committee may impose under this subsection is \$25.

1 * **Sec. 61.** AS 24.60.970 is amended to read:

2 **Sec. 24.60.970. Actions by the attorney general.** The attorney general may
3 independently bring a civil **action to enforce a provision of** [ACTIONS RELATING
4 TO VIOLATIONS UNDER] this chapter, regardless of the outcome or settlement of a
5 charge before the committee, **in the manner provided in AS 15.13.386.** This section
6 does not prohibit the attorney general from bringing an action under another civil or
7 criminal law.

8 * **Sec. 62.** AS 24.60.990(a)(11) is amended to read:

9 (11) "lobbyist" means a person who is required to register under
10 AS 24.45.041 and is described under AS 24.45.171(8)(A), but does not include a
11 volunteer lobbyist described in AS 24.45.161(a)(1) or a representational lobbyist as
12 defined **in regulation adopted under AS 24.45** [UNDER REGULATIONS OF THE
13 ALASKA PUBLIC OFFICES COMMISSION];

14 * **Sec. 63.** AS 39.50.020(b) is amended to read:

15 (b) A public official other than an elected or appointed municipal officer shall
16 file the statement with the **director** [ALASKA PUBLIC OFFICES COMMISSION].
17 Candidates for the office of governor and lieutenant governor and, if the candidate is
18 not subject to AS 24.60, the legislature shall file the statement under AS 15.25.030 or
19 15.25.180. Municipal officers, and candidates for elective municipal office, shall file
20 with the municipal clerk or other municipal official designated to receive their filing
21 for office. All statements required to be filed under this chapter are public records.

22 * **Sec. 64.** AS 39.50.050(a) is amended to read:

23 (a) The **director** [ALASKA PUBLIC OFFICES COMMISSION CREATED
24 UNDER AS 15.13.020(a)] shall administer the provisions of this chapter. The
25 **director** [COMMISSION] shall prepare and keep available for distribution,
26 standardized forms on which the reports required by this chapter shall be filed.

27 * **Sec. 65.** AS 39.50.050(b) is amended to read:

28 (b) The **director** [COMMISSION] shall adopt regulations to implement and
29 interpret the provisions of this chapter. Regulations or interpretation shall be within
30 the intent and purpose of this chapter and are subject to judicial review under the
31 Administrative Procedure Act (AS 44.62).

1 * **Sec. 66.** AS 39.50 is amended by adding a new section to read:

2 **Sec. 39.50.105. Enforcement by attorney general.** The attorney general
3 may investigate or bring a civil action to enforce a provision of this chapter in the
4 manner provided in AS 15.13.386.

5 * **Sec. 67.** AS 39.50.135 is amended to read:

6 **Sec. 39.50.135. Civil penalty: Late filing of required reports.** A person
7 who fails to file a properly completed and certified report within the time required by
8 this chapter is liable in a civil action to the state for [SUBJECT TO] a civil penalty
9 of not more than \$10 a day for each day the delinquency continues as the court
10 [COMMISSION] determines [SUBJECT TO APPEAL TO THE SUPERIOR
11 COURT]. In making its determination, a court may consider [AN AFFIDAVIT
12 STATING] facts in mitigation [MAY BE SUBMITTED TO THE COMMISSION BY
13 A PERSON AGAINST WHOM A CIVIL PENALTY IS ASSESSED]. However, the
14 imposition of the penalties prescribed in this section or in AS 39.50.060 - 39.50.130
15 does not excuse that person from filing reports required by this chapter.

16 * **Sec. 68.** AS 39.50.200(a) is amended by adding a new paragraph to read:

17 (11) "director" means the director of elections appointed under
18 AS 15.10.105.

19 * **Sec. 69.** AS 39.52.180(d) is amended to read:

20 (d) A former governor, lieutenant governor, or head of a principal department
21 in the executive branch may not engage in activity as a lobbyist under AS 24.45 for a
22 period of one year after leaving service as the governor, lieutenant governor, or
23 department head, as appropriate. This subsection does not prohibit service as a
24 volunteer lobbyist described in AS 24.45.161(a)(1) or a representational lobbyist as
25 defined in regulation adopted under AS 24.45 [UNDER REGULATIONS OF THE
26 ALASKA PUBLIC OFFICES COMMISSION].

27 * **Sec. 70.** AS 39.52.340(a) is amended to read:

28 (a) Except as provided in AS 39.52.335, before the initiation of formal
29 proceedings under AS 39.52.350, the complaint and all other documents and
30 information regarding an investigation conducted under this chapter or obtained by the
31 attorney general during the investigation are confidential and not subject to inspection

by the public. In the case of a complaint concerning the governor, lieutenant governor, or attorney general, all meetings of the personnel board concerning the complaint and investigation before the determination of probable cause are closed to the public. If, in the course of an investigation or probable cause determination, the attorney general finds evidence of probable criminal activity, the attorney general shall transmit a statement and factual findings limited to that activity to the appropriate law enforcement agency. If the attorney general finds evidence of a probable violation of AS 15.13, the attorney general **may file a civil action in the manner provided in AS 15.13.386** [SHALL TRANSMIT A STATEMENT TO THAT EFFECT AND FACTUAL FINDINGS LIMITED TO THE PROBABLE VIOLATION TO THE ALASKA PUBLIC OFFICES COMMISSION]. The attorney general and all persons contacted during the course of an investigation shall maintain confidentiality regarding the existence of the investigation.

* **Sec. 71.** AS 43.05.085 is amended to read:

Sec. 43.05.085. List of contributions. The commissioner shall prepare and furnish to the **director of elections** [ALASKA PUBLIC OFFICES COMMISSION] by July 1 of each year a list containing the total amount of contributions received by each candidate and group for which a credit was received by an individual under AS 43.20.013(a). The commissioner shall also mail a copy of the list to each of the candidates and groups which were recipients of those credited contributions. The list becomes public information under AS 40.25.110 - 40.25.120 on its delivery to the **director of elections** [ALASKA PUBLIC OFFICES COMMISSION].

* **Sec. 72.** AS 45.68.120(a) is amended to read:

(a) Registration is not required under AS 45.68.010 for

(1) a church or religious organization that is exempt from filing a federal annual information return under 26 U.S.C. 6033(a)(2)(A);

(2) a candidate for national, state, or local office, and a political party or other committee or group if the candidate, party, committee, or group is required to file financial information with the **director of elections** [ALASKA PUBLIC OFFICES COMMISSION] under AS 15.13 or with the Federal Election Commission under 2 U.S.C. 431 - 456 (Federal Election Campaign Act);

(3) a charitable organization that does not intend to raise or receive contributions, excluding government grants, in excess of \$5,000 during a fiscal year of the charitable organization, or that does not intend to receive contributions from more than 10 persons during a fiscal year of the charitable organization if, in either situation,

(A) all of the organization's functions, including solicitation, are performed by persons who are not paid for their services; and

(B) an officer or member of the organization is not paid or does not otherwise receive all or a part of the assets or income of the charitable organization;

(4) a person or municipality who has a permit under AS 05.15.100.

* **Sec. 73.** AS 15.13.020, 15.13.045, 15.13.385, 15.13.390(b), 15.13.390(c), 15.13.400(2); AS 24.45.041(e), 24.45.131; AS 39.25.120(c)(13); AS 39.50.200(a)(3), 39.50.200(b)(8); and AS 44.62.330(a)(39) are repealed.

* **Sec. 74.** The uncoded law of the State of Alaska is amended by adding a new section to read:

TRANSITION. (a) Litigation, hearings, investigations, and other proceedings pending under a law repealed by this Act, or in connection with functions transferred by this Act, continue in effect and may be continued and completed notwithstanding a transfer or repeal provided for in this Act.

(b) Orders and regulations issued or adopted under authority of a law amended or repealed by this Act and in effect on the day before the effective date of secs. 1 - 73 of this Act, remain in effect for the term issued, or until amended, repealed, or revoked, vacated, or otherwise modified under the provisions of this Act, and may continue to be implemented and enforced, consistent with the changes made by this Act.

(c) Contracts, rights, liabilities, and obligations created by or under a law amended or repealed by this Act, and in effect on the day before the effective date of secs. 1 - 73 of this Act, remain in effect notwithstanding this Act's taking effect. Records, equipment, appropriations, and other property of agencies of the state whose functions are transferred under this Act shall be transferred to implement the provisions of this Act.

* **Sec. 75.** The uncoded law of the State of Alaska is amended by adding a new section to

1 read:

2 TRANSITION: REGULATIONS. Notwithstanding sec. 77 of this Act, the director
3 of elections or attorney general, acting under that person's respective authority conferred by
4 this Act or by a law amended or repealed by this Act, may proceed to adopt regulations
5 necessary to implement the changes made by this Act. The regulations take effect under
6 AS 44.62 (Administrative Procedure Act), but not before the effective date of the respective
7 statutory change.

8 * **Sec. 76.** Section 75 of this Act takes effect immediately under AS 01.10.070(c).

9 * **Sec. 77.** Except as provided in sec. 76 of this Act, this Act takes effect July 1, 2003.